



3-23-01

DAC

Docket No. 003184078

PATENT

#5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Sheryl BEHAR, Carol LEWBELL-GRAY and Cheryl CUNHA  
Serial No. : 09/469,993 Examiner : Not Yet Assigned  
Filed : December 22, 1999 Art Unit : Not Yet Assigned  
For : **METHOD AND SYSTEM FOR AWARDED REBATES BASED  
ON CREDIT CARD USAGE TO CREDIT CARD HOLDERS**

March 22, 2001

**REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(a) TO  
MAKE APPLICATION WITHOUT SIGNATURES OF ALL CO-INVENTORS**

Assistant Commissioner for Patents  
BOX DAC  
Washington, D.C. 20231

RECEIVED

MAR 27 2001

**BY FACSIMILE TRANSMITTAL: (703) 308-6916  
ATTN. WAN LAYMON  
SPECIAL PROGRAM LAW OFFICE**

OFFICE OF PETITIONS

Sir:

Applicants respectfully request reconsideration of the Decision Refusing Status Under 37 CFR 1.47(a), mailed September 25, 2000, dismissing Applicants' Petition under 37 CFR 1.47(a), filed July 11, 2000. This Request for Reconsideration is accompanied by a copy of Applicants' Four Month Petition for Extension of Time for Responding, which, along with the appropriate fee, is being mailed by Express Mail (EL416700426US) to the Patent Office today, and is thus submitted within the period set for reply as extended.

Applicants' Petition was dismissed solely because the Petitions Examiner found that while the evidence showed that the nonsigning inventor was presented with a declaration, which she refused to sign, there was no evidence that the nonsigning inventor was also presented with a copy of the entire application papers (specification, claims and drawings) along with the declaration.

**CERTIFICATE OF MAILING / TRANSMISSION (37 CFR 1.8a and 1.10)**

I hereby certify that, on [Date] March 22, 2001, this paper / correspondence / fee is being:

☐ Deposited with the United States Postal Service in an envelope addressed to *The Assistant Commissioner for Patents, Washington, D.C. 20231*; either ☐ with sufficient postage as first class mail (37 CFR 1.8a) or ☐ as "Express Mail Post Office to Addressee" Mailing Label No. \_\_\_\_\_ (37 CFR 1.10).

☒ Transmitted by facsimile to the Patent and Trademark Office, Group WAN LAYMON, SPECIAL PROGRAM LAW OFFICE, Facsimile (703) 308-6916 (37 CFR 1.8a).

[Type or print name of person certifying]

PHILIP A. GILMAN, ESQ. - REG. NO. 38,160

[Signature]

*Philip A. Gilman*

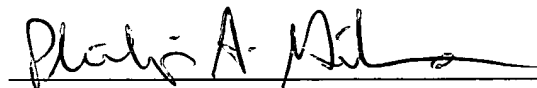
86  
On January 18, 2001, at around 4:30pm, the undersigned attorney personally presented the nonsigning inventor, Carol Lewbell-Gray, at her office at 9 East 40th Street, New York, NY, a copy of the entire application papers (specification, claims and drawings) and the declaration, and asked her if she would review the application to confirm it was for her invention and sign the declaration. A copy of these papers including the declaration was also sent to her current residence at 300 East 74<sup>th</sup> Street, New York, NY. Shortly thereafter, the nonsigning inventor indicated orally to the undersigned attorney that she still refused to sign the declaration. A copy of the transmittal letter to Carol Lewbell-Gray is attached.

In light of the above facts, the Applicants respectfully submit that the nonsigning inventor refuses to sign the declaration after having been presented with the application papers including the specification, claims and drawings and the declaration. Since all of the other requirements for a grantable petition under 37 CFR 1.47(a) have been provided by Applicants' Petition, favorable reconsideration leading to a reversal of the Decision and granting of Applicants' Petition is respectfully requested.

The Petitions Officer is respectfully requested to contact Applicants' attorney at the telephone number listed below should there be additional information or requirements needed in order to favorably grant Applicants' Petition.

No fee is believed to be necessary in connection with the filing of this Request for Reconsideration. However, if any fee is required, the Commissioner is hereby authorized to charge such fee to attorney's Deposit Account No. 50-0540.

Respectfully submitted,



Philip A. Gilman

Reg. No. 38,160

KRAMER LEVIN NAFTALIS & FRANKEL LLP

919 Third Avenue

New York, NY 10022

Tel. (212) 715-9100

Fax (212) 715-8000



KRAMER LEVIN NAFTALIS & FRANKEL LLP  
919 THIRD AVENUE  
NEW YORK, N.Y. 10022 - 3852  
TEL (212) 715-9100 FAX (212) 715-8000

PHILIP A. GILMAN  
TEL (212) 715-9216  
EMAIL pgilman@kramerlevin.com

EUROPEAN OFFICE  
47, AVENUE HOCHÉ  
75008 PARIS  
FRANCE

January 18, 2001

**BY HAND AND EXPRESS MAIL**

Ms. Carol Lewbell-Gray  
300 East 74th Street  
New York, NY 10021

Re: U.S. Patent Application Serial No. 09/469,993  
**METHOD AND SYSTEM FOR AWARDED  
REBATES BASED ON CREDIT CARD USAGE TO  
CREDIT CARD HOLDERS**  
Filing Date: December 22, 1999  
Our Client/Matter No. 03184/0006

**RECEIVED**  
**MAR 27 2001**  
**OFFICE OF PETITIONS**

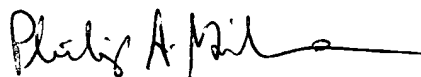
Dear Ms. Lewbell-Gray:

Enclosed is a copy of the above-referenced patent application as filed including an attached Declaration, Power of Attorney and Petition (the "Declaration"). The Declaration is to be signed by all of the inventors of the application, including you, but to date we have not yet received your executed copy. For your convenience, I enclose an extra copy of the Declaration for your signature.

I also enclose a copy of the Patent and Confidential Information Agreement Form (the "Agreement"), which you signed on July 3, 1995. According to the last paragraph, the Agreement obliges you to disclose and assign to Citibank any inventions made or conceived by you arising out of your employment with Citibank, and sign any related papers, including the enclosed Declaration. In light of this Agreement, please let me know if you still refuse to sign the Declaration.

If you have any questions or comments with regard to the above, please do not hesitate to inquire.

Sincerely,

  
Philip A. Gilman

PAG/dms  
Enclosure

# LATICORP®

**RE: Confidential and Proprietary Information**

Upon becoming employed by Ciscorp or one of its subsidiaries or affiliates, each employee signs a Patent and Confidential Information Agreement in the form indicated below, or in a substantially similar form. A copy of the agreement should be kept as a reminder of the obligations placed on employees in the area of confidentiality and as to patentable discoveries made or conceived while in Ciscorp's employ.

In consideration of my position and employment with Cincorp or its subsidiaries or affiliates, I agree to keep confidential and not divulge to others during the course of my employment, and after my termination, information and data regarding the business of Cincorp or its subsidiaries and affiliates, including methods, systems, business plans or marketing methods and information, and other confidential information, or proprietary information. Furthermore, I agree to keep confidential information of Cincorp or its subsidiaries, clients and vendors, in the event that my employment with Cincorp or its subsidiaries, I agree not to divulge or use such confidential information, and to place in the hands of Cincorp all documents and other materials owned by Cincorp.

In addition, it is understood that while employed by Cals Corp., I will not, directly or indirectly, disclose it and assign to it my interest in any invention, improvement or discovery made or conceived by me, singly or jointly with others, which arises out of my employment. A Cal Corp.'s policy and agreement to assign Cal Corp. during the period of my employment and thereafter, in California, any and all rights in any and all legal proceeding relating to such invention, improvement or discovery, to Cal Corp. and to execute and assign patent or other protection covering the same.

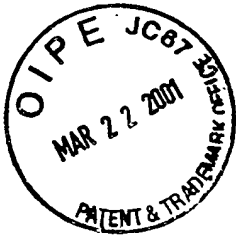
**Personnel Number**

**Social Security Number**

**Employee's Signature**

'Day

Please return to: Records Unit XFTSVZ



KRAMER LEVIN NAFTALIS & FRANKEL LLP  
919 THIRD AVENUE  
NEW YORK, N.Y. 10022 - 3852

TELEPHONE No.: (212) 715-9100 FACSIMILE: (212) 715-8000

**FACSIMILE TRANSMISSION - 6 TOTAL PAGES**

<b>From:</b>	<b>Direct Phone:</b>	<b>Date:</b>
Philip A. Gilman, Esq.	(212) 715-9216	March 22, 2001

<b>To:</b>	<b>Fax:</b>	<b>Phone:</b>
WAN LAYMON Special Program Law Office United States Patent and Trademark Office Washington, D.C. 20231	(703) 308-6916	(703) 306-5685

THE DOCUMENTS ACCOMPANYING THIS FACSIMILE TRANSMISSION ARE INTENDED ONLY FOR THE USE OF THE ADDRESSEE AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED AND CONFIDENTIAL. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION OF THE COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE. THANK YOU.

Re: Application Serial No. 09/469,993  
Filed: December 22, 1999  
Applicants: Behar, et al.  
Our Client/Matter No. 003184/006

**RECEIVED**

**MAR 27 2001**

**OFFICE OF PETITIONS**

Attached is a Request for Reconsideration of Petition Under 37 CFR 1.47(a) to Make Application Without Signatures Of All Co-Inventors for the above-referenced application. The originals, along with a Petition for Extension of Time, including the appropriate fee, are being forwarded by Express Mail (EL416700426US) to the Patent Office today.

Please call me at (212) 715-9216 if you have any questions, or if the fax does not go through in its entirety. Thank you.

Sincerely,

Philip A. Gilman

Enc.

**CERTIFICATE OF MAILING / TRANSMISSION (37 CFR 1.8a and 1.10)**

I hereby certify that, on [Date] March 22, 2001, this paper / correspondence / fee is being:

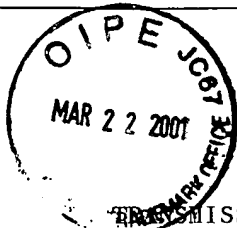
☐ Deposited with the United States Postal Service in an envelope addressed to *The Assistant Commissioner for Patents, Washington, D.C. 20231*; either ☐ with sufficient postage as first class mail (37 CFR 1.8a) or ☐ as "Express Mail Post Office to Addressee" Mailing Label No. \_\_\_\_\_ (37 CFR 1.10).

☒ Transmitted by facsimile to the Patent and Trademark Office, Group WAN LAYMON, SPECIAL PROGRAM LAW OFFICE, Facsimile (703) 308-6916 (37 CFR 1.8a).

[Type or print name of person certifying]

PHILIP A. GILMAN, ESQ. - REG. NO. 38,160

[Signature]



\*\*\*\*\*  
 \*\*\* TX REPORT \*\*\*  
 \*\*\*\*\*

TRANSMISSION OK

TX/RX NO 1608  
 CONNECTION TEL 617033086916 ✓  
 SUBADDRESS  
 CONNECTION ID  
 ST. TIME 03/22 14:58  
 USAGE T 04'32  
 PGS. 6  
 RESULT OK

RECEIVED

MAR 27 2001

OFFICE OF PETITIONS

KRAMER LEVIN NAFTALIS &amp; FRANKEL LLP

919 THIRD AVENUE

NEW YORK, N.Y. 10022 - 3852

TELEPHONE No.: (212) 715-9100 FACSIMILE: (212) 715-8000

## FACSIMILE TRANSMISSION - 6 TOTAL PAGES

From:	Direct Phone:	Date:
Philip A. Gilman, Esq.	(212) 715-9216	March 22, 2001

To:	Fax:	Phone:
WAN LAYMON Special Program Law Office United States Patent and Trademark Office Washington, D.C. 20231	(703) 308-6916	(703) 306-5685

THE DOCUMENTS ACCOMPANYING THIS FACSIMILE TRANSMISSION ARE INTENDED ONLY FOR THE USE OF THE ADDRESSEE AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED AND CONFIDENTIAL. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION OF THE COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE. THANK YOU.

Re: Application Serial No. 09/469,993  
 Filed: December 22, 1999  
 Applicants: Behar, et al.  
 Our Client/Matter No. 003184/006

Attached is a Request for Reconsideration of Petition Under 37 CFR 1.47(a) to Make Application Without Signatures Of All Co-Inventors for the above-referenced application. The originals, along with a Petition for Extension of Time, including the appropriate fee, are being forwarded by Express Mail (EL416700426US) to the Patent Office today.

Please call me at (212) 715-9216 if you have any questions, or if the fax does not go through in its entirety. Thank you.

**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

**BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

☐ BLACK BORDERS

☐ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES

☒ FADED TEXT OR DRAWING

☐ BLURRED OR ILLEGIBLE TEXT OR DRAWING

☐ SKEWED/SLANTED IMAGES

☐ COLOR OR BLACK AND WHITE PHOTOGRAPHS

☐ GRAY SCALE DOCUMENTS

☐ LINES OR MARKS ON ORIGINAL DOCUMENT

☐ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY

☐ OTHER: \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**